



Community-Based Early Childhood Programs: What does Act 166 mean for you?

Act 166, passed by the Vermont legislature in 2014, entitles all three, four, and five year-olds not enrolled in kindergarten to ten hours per week of publicly funded prekindergarten education (pre-K) for the thirty-five week school year.

The law allows families to choose from a variety of pre-K programs.

Whichever prequalified pre-K program a family chooses, tuition for 10-hours will be paid by the local school district, unless the district is within an approved Pre-K Region. Enrollment options include:

- A prequalified pre-K program operated by the local school district
- A prequalified pre-K program operated by another school district that accepts out-of-district students located anywhere in Vermont or, within the approved pre-K region.
- A prequalified community-based (including Head Start) pre-K program located anywhere in Vermont or, within the approved pre-K region.

Your participation is VOLUNTARY; if you are interested in providing publicly funded pre-K, you have to be prequalified:

In order to be considered for prequalification, a program must:

- Have NAEYC accreditation OR 4 or 5 STARS or 3 STARS with a plan to reach 4 within 2yrs.
- Align curriculum to the Vermont Early Learning Standards
- Have a VT AOE licensed early childhood educator or early childhood special educator on staff according to type of program:
 - Private Center-Based = 1 licensed teacher per program
 - Family Child Care= 1 licensed teacher OR a licensed mentor teacher for a min of 3hrs/wk
- Use Teaching Strategies GOLD (TSG) online assessment system and participate in (free) trainings to ensure reliable staff usage of TSG
- Comply with all requirements of federal and state laws for your enrolled children with special needs including:
 - Allowing access by school district early childhood special education and related service personnel.
 - Federal: ADA, 504, IDEA and State: VT Child Care Program Licensing Regulations
- Operate a non-religious program
- Apply all of the statewide tuition received for 10 hours of publically funded pre-K to the families' tuition.

[Prequalification Application](#)

In addition, it is recommended that you establish and maintain relationships with your schools:

- Keep them informed of your intention to become prequalified and the number of eligible children you have enrolled (assists districts in their budgeting)
- Connect with them to let them know you are pre-qualified and to understand their enrollment process
- Sign a written agreement with them to establish the payment schedule and any other formal aspects to your relationship. [Sample Agreement](#)

More information is online at the [ACT 166 webpage](#)

For more information about IEP, 504, and ADA please see the [Serving Children with Disabilities in a Public PreK Program webinar](#)

Contact Melissa.RiegelGarrett@vermont.gov with additional questions



219 North Main Street, Suite 402
Barre, VT 05641 (p) 802-479-1030 | (f) 802-479-1835

STARS Information for Providers

STARS is Vermont's quality recognition system for child care, preschool, and afterschool programs. Programs that participate in STARS are stepping ahead — going above and beyond state regulations to provide professional services that meet the needs of children and families.

The Meaning of Each STAR

Providers may apply for STARS recognition in five areas:

1. Compliance with state regulations;
2. Staff qualifications and training;
3. Interaction with and overall support of children, families, and communities;
4. How thoroughly providers assess what they do and plan for improvements; and
5. The strength of the program's operating policies and business practices.

One-star programs (1 - 4 points) are examining their practices to enhance the services they provide. They may be fairly new, just starting on a path of improvement and growth, or be stronger in one area.

Two-star programs (5 - 8 points) are making a commitment to strengthen their practices. They may have made some progress in many areas or more progress in one or two areas.

Three-star programs (9 -11 points) have made improvements and are working to reach specific goals. They have either made substantial progress in two or three areas or have made some improvements across all five areas.

Four-star programs (12-14 points) are established programs that have met several standards of quality in all five areas. Many four-star programs are also nationally accredited.

Five-star programs (15 - 17 points) are outstanding in all five areas. Many five-star programs are also nationally accredited.

Parents:

What does Vermont's new Universal Pre-Kindergarten Law mean for you?

If you have a child between the ages of three and five and not yet in kindergarten, your child may be able to receive ten hours per week of publically funded prekindergarten education (pre-K)!

Attending a high-quality preschool program prepares your child for kindergarten and beyond. In Vermont, School Districts are mandated to offer prekindergarten options—enrollment/participation is a family choice—voluntary! Also, pre-K happens in prequalified pre-K programs in schools or community-based programs.

If you are interested in receiving 10 hours of free pre-K experiences for your child connect with your local elementary school to learn how to sign up.

Where can I find a prequalified prekindergarten education program for my child?

Search the [list of prequalified providers](#)* by town to find out what programs are qualified to offer preschool in your area. These programs may be in your local school or in a community-based program. Once you find a program you like, call to check for openings, a tour and/or request enrollment information

How do I sign up?

If your child is going to attend a program offered by the school, the school will process your enrollment.

If your child is going to attend a qualified program outside of the school (in the community) you will have to enroll both with the program/provider (for your child's place in the program) and with your school district (to ensure tuition funding for your child's 10-hours is sent to the program).

What Does the Pre-k Funding Cover?

The funding is to cover 10 hours a week of prekindergarten education for 35 weeks (school year). If your child attends more than 10 hours, 35 weeks you are responsible to cover the tuition for the additional hours/weeks.

If you are enrolling in a community-based program it is important you ask what your actual tuition responsibilities will be and receive this information in writing.

More information is online at the [ACT 166 webpage](#)*

*List of prequalified providers:

http://www.brightfutures.dcf.state.vt.us/vtcc/process.do?0Mmr3gjumkz13-SgYEjWekr3%3dxguw3YEa.aU7zaju.xnn.xGOSh-SO-GG%2bSO%256UGq%256UGq.S6SgwEkeUs3peYY.wjRszYgWUVm3kmLmkkUs_umUkYAgSUVVjUVm3mWgwknmpwUVm31mL.Ujsegkz13S00hhG0O0qS60_S0

*Act 166 webpage: <http://education.vermont.gov/act-166>



School Districts: What does Act 166 mean for you?

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The law allows families to choose from a variety of pre-K programs.

Whichever prequalified pre-K program a family chooses, tuition for 10-hours will be paid by the local school district. Enrollment options include:

- A prequalified pre-K program operated by the local school district
- A prequalified pre-K program operated by another school district that accepts out-of-district students
- A prequalified community-based pre-K program located anywhere in Vermont
- A prequalified Head Start pre-K program located anywhere in Vermont
- Or, if there is an approved pre-K region, any prequalified program in the region

Under Act 166, school districts should:

- ☐ Identify a contact person to answer questions from families and community-based programs.
- ☐ Familiarize yourself with Act 166 Rules, Guidance and FAQ's which can be found on the [ACT 166 website](#).
- ☐ Create a process for pre-kindergarten registration. Children will need to register for publicly funded prekindergarten-whether they attend a school-based program or a community-based program. Use your kindergarten registration practices as a model.
- ☐ Check the [Bright Futures Information System](#) to confirm prekindergarten programs requested by families are prequalified and therefore eligible for pre-k funding.
- ☐ Create a process for collecting attendance from and making payments to community-based programs providing prekindergarten services.
- ☐ Collect a signed letter of agreement from community-based programs providing pre-k services for children from your district. [Sample Agreement](#)
- ☐ Develop a communication outreach plan to inform families about Act 166.
- ☐ Ensure your own district-operated program is prequalified (if applicable)
- ☐ Decide whether you will accept out of district students in your district operated programs (funded by the student's sending district).
- ☐ Decide whether to establish a Pre-K Region, which limits the geographic area from which families select prequalified pre-K programs. To establish a Pre-K Region, a school board must submit an application to the Secretaries of Education and Human Services. [Preview the PreK Region Application](#)



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How Did We Get Here? Background Information on Vermont Prekindergarten Education

*by Manuela Fonseca, Ed.D.
Early Education Coordinator
Vermont Department of Education*

Prekindergarten Education is Not New in Vermont

The Vermont Legislature passed various laws that supported early education prior to the enactment of Act 62 in 2007. These actions are summarized in the timeline and major events chart below.

1987 - Act 68

- authorized school districts to provide early education on a voluntary basis by including 3-5 year olds in the weighted pupil count under the foundation formula, the school funding method at that time;
- established the Early Education Initiative, a grant program to support early education programs run by school districts, public agencies, or privately run businesses; and
- mandated that starting in 1991, all children ages three through five with disabilities were entitled to receive Essential Early Education (EEE) services.

1997 - Act 60

- changed how public education is funded;
- continued the policy of allowing school districts to include prekindergarten children in the school census and “average daily membership” on a prorated basis.

2003-2004 - S.166

- would have established universal prekindergarten education for 3-5 year-olds
- would have required districts to provide full-day kindergarten
- provide funding to conduct statewide assessment of kindergarten readiness
- passed the Senate but not the House

2005-2006 - S.314

- similar to S.166 in terms of establishing universal prekindergarten education
- did not include the provision for mandatory full-day kindergarten and funding for assessing kindergarten readiness
- failed to get enough votes to become law

2006 - Act 186

- established the Prekindergarten Education Study Committee, a bipartisan committee was chaired by Rep. Kilmartin
- this committee was charged to gather information regarding:
 - the current implementation of prekindergarten education throughout the state,

- research the impact of early education, and
- recommend whether prekindergarten education should be publicly funded and if so, how.
- the committee's findings and recommendations were summarized in the committee's February 2007 report entitled, *Early Childhood Nurture and Development in Enriched Education Settings*
- most of the recommendations were included in H.534, a bill on prekindergarten education, which passed both chambers and was signed into law by Governor Douglas in June 2007. H.534 became Act 62

By 2006, over 150 towns were offering prekindergarten education to some degree (In 2009-10, a total of 204 towns claimed pre-K children, so that has been an increase in the number of towns by over 50.)

2007 – Act 62

- The key provisions of Act 62 are:
 - a reaffirmation that prekindergarten education remains *voluntary*. School districts are *not required* to provide prekindergarten education, and children are *not required* to attend.
 - the establishment of a cap for the number of children a school district can count (section 6),
 - the promotion of partnerships between school districts and qualified private programs (section 1),
 - the requirement of a community discussion and needs assessment prior to a district establishing prekindergarten education or expanding current prekindergarten programs (section 3),
 - established standards related to program quality and staff qualifications,
 - flexibility for families to request enrolling their children in qualified prekindergarten programs inside and outside of the school district in which they live (section 3), and
 - the requirement that the commissioner of education and the commissioner for children and families jointly develop rules to govern prekindergarten education.

Since the passage of Act 62, additional policies have been enacted by the Legislature and the State Board of Education. A brief summary of each follows.

2007-2008 – Act 132

- H.884, a technical corrections bill amended Act 62
- gave established programs an additional year to complete the STARS application process and meet the required standard, or obtain NAEYC accreditation
- charged DCF and DOE with jointly developing regulations for STARS. The STARS rules were developed and adopted fall 2009. These rules went into effect on January 4, 2010
- delayed by one year the effective dates of two Act 62 provisions: (1) the requirement for annual child development assessments to measure progress, and (2) the terms of contract payments to providers

- added and clarified the cap options districts may choose to use

2007-2008 –Prekindergarten Education Rules

- a draft of the prekindergarten rules was presented to the State Board of Education in November of 2007 and the Interagency Committee for Administrative Rules the following month
- public comment was collected starting January 21 and through February 29, 2008
- final version of the rules was adopted by the State Board of Education on May 20, 2008
- Legislative Committee on Administrative Rules (LCAR) approved the rules in June of 2008. The prekindergarten education rules went into effect on July 1, 2008, as required by Act 62.

2010 – Act 159

- Sec. E.500.1 16 V.S.A. § 4001(1)(iii) of Act 159 allows school districts with any schools identified as making inadequate yearly progress to include the total number of children enrolled in prekindergarten education offered by or through a school district in its school census
- the requirement for districts to conduct a community needs assessment if increasing the number of children served constitutes a “program expansion” as defined in the rules

2010 - 2011 – Amendments to Prekindergarten Rules

- a draft of amendments to the prekindergarten rules was presented to the State Board of Education on March 16, 2010 and the Interagency Committee for Administrative Rules (ICAR) on April 12
- Public comments were collected during the month of June
- State Board of Education approved the final draft of the amendments on November 16, 2010
- Legislative Committee on Administrative Rules (LCAR) approved the amendments in December 2010 and they become effective January 16, 2011
- The new amendments to the pre-K rules include:
 - adding “potentially qualified providers” [section 2602 (15)];
 - requiring districts to notify the DOE when they decide to conduct a community needs assessment prior to either establishing pre-K or expanding their current pre-K programs [section 2603(3)];
 - mandating that community needs assessments use a specific template [section 2602(4)];
 - requiring districts to publish and post their proposed plan for pre-K for 30 days. In addition, these plans would need to be filed with the DOE; the DOE and DCF commissioners will review the proposed plan to ensure compliance with Act 62 [section 2603(7)];
 - requiring all community needs assessments to be completed 90 days prior to the start of the academic year in which it will be implemented [section 2602(8); and
 - decreasing the number of days the commissioners will have to render a decision on an appeal from 30 to 15 calendar days, and adding that if no agreement is reached by the commissioners within the 15 days, the appeal fails [section 2610(8)].

A Snapshot of Prekindergarten Education in Vermont

- Number of children participating in Pre-K education in 2009-2010 = 3,789
 - Since 2003, there has been more than a 50% increase in the number of children participating in pre-K
 - An additional 1089 children with disabilities were identified as receiving Essential Early Education (EEE) services. Approximately 75% of these children are also enrolled in a pre-K program. Hence the true number of children receiving pre-K is closer to 4,605.
- Number of towns offering Pre-K in 2009-2010 = 204 (78.46%)
- Number of Supervisory Unions (or School Districts) offering Pre-K through Partnerships with Private Providers (2009-2010):

	N	%
Have partnerships & offer own pre-K program	30	56.6
Have partnerships & do not operate own pre-K program	3	5.7
Only offer own pre-K program; do not have partnerships	20	37.7
TOTAL number of SU's or SD's offering preK	53	

Supervisory unions and school districts contracted with a total of 80 private early care and education programs during the 2009-2010 academic year. Of these 80 partners, 67 (83.75%) were center-based programs and 13 (16.25%) were home-based family providers. Partners included both non-profit and for profit organizations, although most of the center-based programs were non-profit. Several school districts partner with multiple programs. For example, Burlington SD had contracts with over 20 different private providers.

- Number of School District/Head Start Partnerships:
 - Twenty-two different supervisory unions or school districts partner with Head Start to offer 35 collaborative programs across the state.
- Number of towns that have exceeded their caps for FY11 = 16 towns for a total of 45 Pre-K FTE's.

- Decide whether you want to establish or expand a district-operated pre-K program. To expand or establish a district-operated pre-K program, the district must submit an application to the Agencies of Education and Human Services.

[Preview the Establishing a Public School Operated PreK Program Application](#)

[Preview the Expansion of a Public School Operated PreK Program Application](#)

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